IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.703 OF 2006

Bhupendra C. Dalal .. Petitioner.

V/s.

The Asstt. Commissioner of Income-tax, (OSD - I), Central Cir.7 & Others .. Respondents.

Mr.Pradeep Sancheti with Mr.Sameer Dalal for the petitioner.

Mr.Ashok Kotangale with Mr.Nagarjun for the respondents.

CORAM : R.M. LODHA &
J.P. DEVADHAR, JJ.

DATED : 10TH MARCH, 2006.

P.C. :

Heard Mr.Pradeep Sancheti, the learned counsel for the petitioner.

2. That the subject properties have been sold by the Custodian for recovery of income tax outstanding against the petitioner is not in dispute. It is also admitted by the learned counsel for the petitioner that on 2nd March, 2006, the Special Court (Trial of Offences relating to Transactions in Securities) at Bombay confirmed the sale of subject properties. However, the Special Court deferred the implementation of the confirmation of sale of

properties for one week. On 8th March, 2006, the petitioner sought extension from the Special Court for deferring the implementation of the order dated 2nd March, 2006. But the said prayer was rejected. Thus, it is clear that for the recovery of income tax dues, the subject properties have been sold and the Special Court has confirmed the sale and that confirmation has come into operation. In view of these facts, the order passed by the Income Tax Appellate Tribunal rejecting the application for stay of demand does not call for any interference in extra ordinary jurisdiction under Article 226 of the Constitution of India.

3. The writ petition is dismissed in limine.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)